

Notice of Allowability	Application No.	Applicant(s)	
	10/645,030	SKIBA ET AL.	
	Examiner	Art Unit	
	Tuan V. Thai	2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 08/20/2003.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

/Tuan V. Thai/
 Primary Examiner, Art Unit 2185

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Attorney's Docket No.: 49616/LTR/G319

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re application of: Skiba et al Group: 2185

Serial No.: 10/645,030 Examiner: Tuan Thai

For: **SYSTEMS AND METHODS FOR ELECTRONIC DATA STORAGE
MANAGEMENT.**

1. This action is responsive to communications filed on August 20, 2003. Claims 1-10 are allowed.

REASONS FOR ALLOWANCE

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior arts of record do not teach nor suggest, *either alone or in combination*, all the limitations of the claims of the current invention (claims 1, 8, 9 and 10). Particularly, the prior arts of record do not teach a system and method for managing electronic data storage by performing continuous and real-time data mirroring and data versioning as being claimed; physically moving data from source location to a new destination location on the same or other data storage device; communicating the new storage location of the data to the computer system, and

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translating the new destination storage location which is transparent to one or more application software programs, accessing the electronic data as if it is located at the source storage location, and redirecting the operating system from the source data storage location to the new storage location to provide the operating system access to the electronic data at the new destination storage location, wherein the new destination location is transparent to the operating system (claims 1 and 9); the prior art of record do not further disclose identifying a plurality of physical storage locations of identical copies of a particular set of electronic data, storing a zero length file at all but one of the plurality of physical storage locations of the identical copies of a particular set of electronic data, redirecting a computer operating system from the location of a zero length file representing an eliminated duplicate identical copy of the particular set of electronic data to the location of the remaining copy of the particular set of electronic data; and to access the particular set of electronic data physically stored at the location of the remaining copy of the particular set of electronic data by the operating system as if the data was stored at the location of one of the zero length files representing one or more of the eliminated duplicate identical copies (claims 8 and 10).

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Regarding the subject matters of eligibility under 35 U.S.C 101, the system and method above must be inherently carried out by a computing device such as processor(s) or controller(s) that are known to be embedded in Applicant's current invention, therefore meeting the requirements of the 35 U.S.C. 101.

Claims 2-7 further limit the allowable independent claim 1. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V. Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571)-272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an

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application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/March 24, 2009

/Tuan V. Thai/

Primary Examiner, Art Unit 2185